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THE INITIATIVE PETITION PROCESS, 1999-2000

An Overview for Interested Members of the Public

The initiative process is established by amendment article 48 of the Massachusetts Constitution and is a way for citizens to propose laws and constitutional amendments for approval by the electorate. The basic steps are: (1) the initiative measure is signed by ten voters and submitted to the Attorney General by the first Wednesday in August (August 4, 1999); (2) the Attorney General determines (usually by the first Wednesday in September, i.e., September 1, 1999) whether the measure meets the requirements of amend. art. 48; (3) if certified by the Attorney General, the measure is filed with the Secretary of State; (4) thousands of additional voter signatures are gathered (this year, the requirement is 57,100) by the first Wednesday in December; (5) if enough are gathered, the measure is sent to the Legislature in January of 2000; (6) the Legislature either approves or disapproves the measure, proposes a substitute, or takes no action; (7) unless the Legislature has enacted the measure before the first Wednesday in May of 2000, the proponents gather still more signatures (this cycle, 9,517) by early July; (8) if they gather enough, the measure and any legislative substitute are submitted to the people at the next biennial state election (in this case, November of 2000).

The process is similar for constitutional amendments, but they must go through two successive sessions of the Legislature and must (unlike initiative petitions for laws) get the approval of 25% of the legislators in each session. Thus any proposed constitutional amendments submitted in August of 1999 could not appear on the ballot until November of 2002.

The Attorney General's own policy views play no role in certification decisions. Rather, amendment article 48 requires the Attorney General to certify an initiative measure if the following requirements are met, and to refuse to certify the measure if the requirements are not met:

- (1) the measure, including its title, must be in proper form for submission to the people;
- (2) the measure must not be, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and
- (3) the measure may contain only subjects that are related or mutually dependent and that are not excluded from the popular initiative.

The "excluded matters" requirement usually presents the most challenging legal issues. Based on the express words of amendment article 48, as approved by the voters themselves in 1918, many important and controversial areas are simply off-limits to initiative petitions, and petitions touching on these matters cannot be certified. This limitation on the "people's process" is often disappointing to proponents of particular petitions, but it is a limitation approved by the



people themselves and binding on the Attorney General. According to amendment article 48, a measure is excluded if it:

- a) relates to religion, religious practices or religious institutions;
- b) relates to the appointment, qualification, tenure, removal, recall or compensation of judges, or the reversal of a judicial decision, or the powers, creation or abolition of courts;
- c) is restricted in its operation to a particular town, city or other political division or to particular districts or localities of the Commonwealth;
- d) makes a specific appropriation of money from the treasury of the Commonwealth;
- e) relates to amend. art. 18 (religious freedom; the "anti-aid" amendment) or that portion of amend. art. 48 that specifically excludes matters from the operation of the initiative and referendum process; or
- f) is inconsistent with any of the following constitutional rights: the right to receive compensation for private property appropriated to public use; the right of access to and protection in courts of justice; the right of trial by jury; protection from unreasonable search, unreasonable bail and the law martial; freedom of the press; freedom of speech; freedom of elections; and the right of peaceable assembly.

Note that this list, set forth in amendment article 48, is exclusive. The Attorney General could not refuse to certify a proposed law on the ground that it clearly and indisputably conflicted with some other constitutional guarantee not mentioned in amend. art. 48, such as due process and equal protection requirements, the prohibition against cruel and unusual punishment, and so forth. If such a proposed law appeared on the ballot and were approved by the voters, however, it could then be challenged in and invalidated by a court.

The Attorney General's review process is conducted in full cooperation with the sponsors of a proposed law, as well as with any opponents of the law who believe it should not be certified. The Attorney General welcomes legal memoranda on whether a proposed law should be certified; any such memorandum should also be sent to the sponsors or, in the case of a memo filed by the sponsors, to any opponents who have identified themselves to the Attorney General. The goal is to ensure that all issues are spotted and all views thoroughly considered before the Attorney General makes his certification decision. A list of all petitions that have been filed with the Attorney General, together with the names and telephone numbers of their sponsors, is available by the close of business on the last day for filing petitions.

If the Attorney General decides to certify the measure as conforming with these requirements, the Attorney General also prepares a fair and concise summary of the measure. The Secretary of the Commonwealth places this summary on blanks for subsequent signatures. If the measure eventually appears on the ballot, the summary appears in the guide for voters prepared by the Secretary and appears on the ballot as well. As is the case with certification

2. Methodology

The methodology of this study is based on a combination of qualitative and quantitative research methods. The qualitative methods include interviews and focus groups, while the quantitative methods include surveys and experiments.

The data collected from these methods are analyzed using a variety of statistical techniques, including regression analysis and factor analysis.

The results of the analysis are presented in a series of tables and figures, which are discussed in detail in the following sections.

The first section of the results discusses the findings from the interviews and focus groups, while the second section discusses the findings from the surveys and experiments.

The third section discusses the findings from the statistical analysis, and the fourth section discusses the overall conclusions of the study.

The study concludes that there is a significant relationship between the variables studied, and that the findings have important implications for the field of research.

The study also identifies several areas for future research, and suggests that further work is needed to explore the relationship between the variables in more detail.

The study is limited by several factors, including the sample size and the methods used, and these limitations are discussed in detail in the following section.

The study is a preliminary investigation, and the findings should be interpreted with caution. Further research is needed to confirm the results and to explore the relationship between the variables in more detail.

The study is a valuable contribution to the field of research, and the findings have important implications for the understanding of the relationship between the variables studied.

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issues, the Attorney General welcomes comments from both sponsors and opponents on how the summary of each proposed law should read, and the Attorney General ordinarily circulates drafts in order to obtain such comments.

COURT CHALLENGES

The Attorney General's certification decisions, whether favorable or unfavorable, have frequently been challenged in the Supreme Judicial Court, which has the last word on whether a measure meets the amend. art. 48 criteria for appearing on the ballot. The likelihood of such high-level judicial review, particularly with regard to initiative petitions raising controversial issues, makes it all the more important that the Attorney General make certification decisions based not on policy grounds or his own views but, instead, solely on the amend. art. 48 criteria that will ultimately be applied by the SJC. This has been the approach in past years, and thus the Attorney General's certification decisions have almost always been upheld.

A decision not to certify would usually be challenged immediately, i.e., within days after the decision is announced in early September. The Attorney General recognizes that the SJC may always disagree with his decision and so, to protect the rights of the petitioners, the Attorney General does everything possible to facilitate a prompt and fair resolution of the dispute, e.g., by informing the proponents of how and where to file their case, and by stipulating to all relevant facts.

Also, in most cases, the Attorney General immediately agrees to an injunction requiring that the Attorney General's summary of the proposed law be forwarded to the Secretary, who then prints up signature blanks, so that the proponents can seek signatures while they proceed with their court challenge. This avoids having the challenge rendered moot by the constitutionally mandated signature-gathering timetable. If the proponents could not gather signatures until the court finally decided the case, which could take several months, then a victory would be pyrrhic because there would be insufficient time to gather the thousands of signatures required by the first Wednesday in December. The Attorney General's agreement to an order allowing signature gathering ensures that if the proponents are correct on the law, they have the same chance as all other petitioners to get their proposed law on the ballot. If the proponents fail to get the requisite signatures, however, the case is dismissed as moot.

Challenges to decisions to certify petitions are usually not filed until it is known whether the proponents have gathered enough signatures by the first Wednesday in December to go forward in the process. If insufficient signatures are gathered, then there is no point in filing the suit. If sufficient signatures are gathered, opponents of the petition then file suit, the Attorney General stipulates to the facts, and the SJC hears argument sometime in the spring.

Please contact Assistant Attorneys General Peter Sacks (617/727-2200, ext. 2064) or David Beck (ext. 2068) with any additional questions.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Michael D. and Jean L. Morrissey
15 Clelland Road
Lexington, MA 02421

Re: Initiative Petition No. 99-1: Law re: Disposition of Remains of an Unborn Child

Dear Mr. and Mrs. Morrissey:

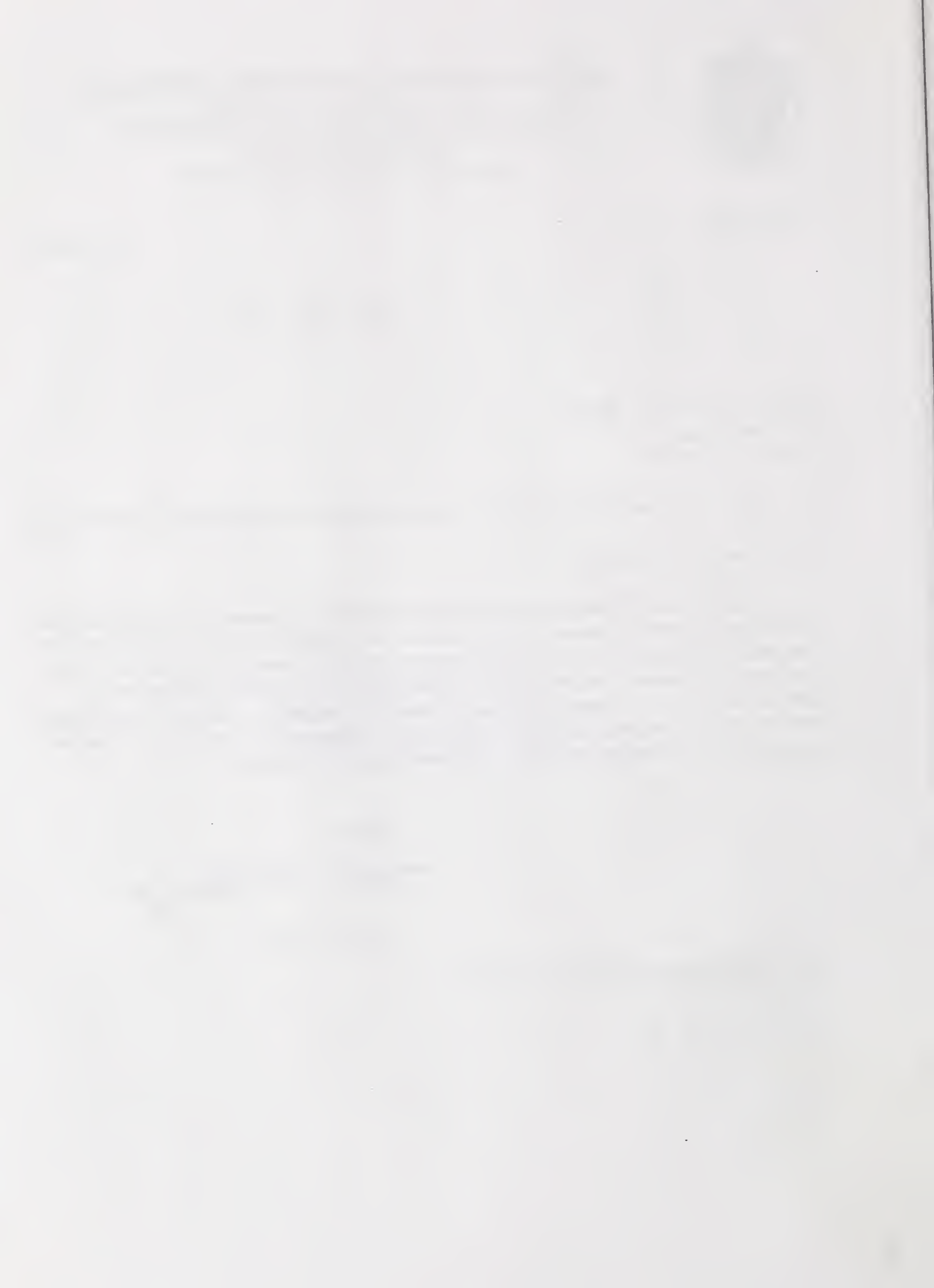
In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, the above-referenced initiative petition was submitted to me on or before the first Wednesday of August of this year, and subsequently you timely submitted another version of your proposal, designated Petition No. 99-3. Since that time, you and the other signers of Petition No. 99-1 have expressed your desire to withdraw that petition, and today I am certifying that your alternate version, Petition No. 99-3, meets the requirements of Article 48. I therefore express no view on whether Petition No. 99-1 meets those requirements.

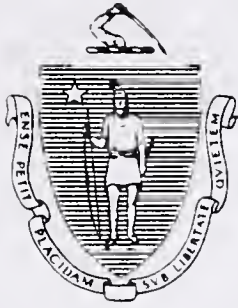
Sincerely,

A handwritten signature in black ink, appearing to read "T. F. Reilly", with a long, sweeping flourish extending to the right.

Thomas F. Reilly

cc: The Honorable William Francis Galvin





THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Paul McCarthy
12 Lakeview Drive
Lynnfield, MA

Re: Initiative Petition No. 99-2: Constitutional Amendment re: Enacting a Parental
Choice in Education Program

Dear Mr. McCarthy:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year. I regret to inform you that, based on the express, mandatory language of Article 48, I am unable to certify that the proposed constitutional amendment "contains only subjects . . . which are not excluded from the popular initiative," as would be required for the petition to proceed in the Article 48 process. Art. 48, Init., pt. 2, § 3. Specifically, the petition seeks to amend the state's "Anti-Aid Amendment," Mass. Const. amend. art. 18, which Article 48 expressly forbids, and the petition also explicitly relates to "religious institutions," another matter expressly excluded from the initiative process by Article 48. As you know, this petition was submitted in similar if not identical form both in 1996 (No. 96-1) and 1998 (No. 98-1) and my predecessor as Attorney General declined to certify both of those petitions for the same reasons as those I rely upon here.

Please contact Assistant Attorney General Judith Yogman of my office concerning any court challenge you may wish to file concerning this decision.

Sincerely,

A handwritten signature in black ink, appearing to read "T. F. Reilly", with a long horizontal stroke extending to the right.

Thomas F. Reilly

cc: Cornelius Chapman, Esq.
The Honorable William Francis Galvin



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-3: Law re: Disposition of Remains of an Unborn Child

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a large, stylized flourish at the end.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-3

This proposed law would require hospitals and persons acting under the direction of an attending physician or medical examiner, when authorized by the parent to dispose of the remains of a fetal death, to do so by either cremation, burial, or a manner individually directed in writing by the State Commissioner of Public Health. The proposed law would permit the hospital or those acting under the direction of the attending physician or medical examiner to complete, before disposing of the fetal remains, laboratory tests necessary for the health of the woman or her future offspring, determination of parentage, or for medical experimentation as approved in writing by the mother. The proposed law would apply to the remains of fetal death at any time from fertilization through the entire pregnancy, but would not govern disposition of fetal remains in the case of an abortion.



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OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-4: Law to Protect the Rights of Patients and to Promote
Access to Quality Health Care for All Residents of the Commonwealth

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly" with a stylized flourish at the end.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-4

This proposed law would set up a state Health Care Council to review and recommend legislation for a health care system that ensures comprehensive, high quality health care coverage for all Massachusetts residents. Until the Council decided that such a system had been set up, the proposed law would prohibit the conversion of non-profit hospitals, health maintenance organizations (HMOs), and health insurance firms to for-profit status. The proposed law would also require health insurance carriers to provide certain rights to patients and health care professionals, starting January 1, 2001.

The Council would recommend laws to set up, and would decide whether laws had been passed to ensure, a health care system that provides: • barrier-free access to health care services; • patients' freedom to choose their health care providers, get second opinions, and appeal denials of care; • health care professionals' freedom to act solely in the best interest of their patients; • affordable coverage, with cost increases no greater than national averages; • preserving and increasing the quality of care and encouraging research; • at least 90% of all premiums to be used for patient care, public health, and training/research, and no more than 10% for administrative costs, with simpler paperwork and administration; • a prohibition of financial incentives that limit patient access to health care, and limits on incentives for inappropriate care.

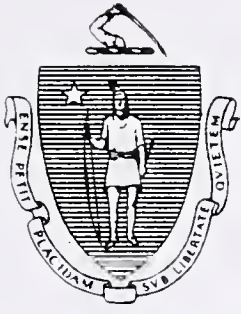
The Council would include 17 members representing health care and other organizations. It would hold public hearings, study proposals, and make recommendations to the state Commissioner of Public Health and the Legislature on laws and other steps needed to set up a system meeting the above requirements. The proposed law would also create a special legislative committee, including legislators and members of the Council, to make recommendations by September 30, 2001, for laws to set up a system meeting the above requirements by July 1, 2002.

Starting January 1, 2001, the proposed law would require health insurance carriers to guarantee certain rights to their insured patients and to health care professionals. These rights would include: • patients' right to choose all of their health care providers, subject to the approval of a freely chosen primary care provider who has no financial incentive to deny care, and subject to payment of a reasonable extra fee to see a provider outside the carrier's network; • health care professionals' right to make medical decisions in consultation with their patients; • patients' right to transitional insurance coverage when they are undergoing a course of treatment from a health care provider whose contract with a carrier is being terminated; • patients' right to medically necessary referrals to specialists; • limits on and disclosure of contracts between carriers and health care providers that create financial

incentives to delay or limit care or provide inappropriate care;

- health care professionals' right to discuss health benefit plans with insured patients and to advocate on behalf of their patients;
- carriers could not terminate health care providers' contracts without cause;
- patients' right to receive emergency services, subject to authorization procedures, and to be reimbursed when they pay cash for emergency services from providers not affiliated with their carrier;
- utilization review procedures that meet specific standards, including patients' right to appeal to the Commissioner of Public Health;
- in any year at least 90% of a carrier's Massachusetts revenue must be spent on Massachusetts health care, and a carrier that spent more than 10% for non-health care purposes would have to refund the excess to its insured patients. Each carrier would have to report its revenues, premiums, and expenditures to the state Commissioner of Insurance every year.

The proposed law states that it would not interfere with any existing contract, including contract terms (such as automatic renewal or option clauses) that may go into effect after January 1, 2001. The proposed law states that if any of its parts were declared invalid, the rest of the law would stay in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-5: Law to Protect the Rights of Patients and to Promote
Access to Quality Health Care for All Residents of the Commonwealth

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", followed by a long, sweeping horizontal stroke.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-5

This proposed law would set up a state Health Care Council to review and recommend legislation for a health care system that ensures comprehensive, high quality health care coverage for all Massachusetts residents. Until the Council decided that such a system had been set up, the proposed law would prohibit the conversion of non-profit hospitals, health maintenance organizations (HMOs), and health insurance firms to for-profit status. The proposed law would also require health insurance carriers to provide certain rights to patients and health care professionals, starting January 1, 2001.

The Council would recommend laws to set up, and would decide whether laws had been passed to ensure, a health care system that provides: • barrier-free access to health care services; • patients' freedom to choose their health care providers, get second opinions, and appeal denials of care; • health care professionals' freedom to act solely in the best interest of their patients; • affordable coverage, with cost increases no greater than national averages; • preserving and increasing the quality of care and encouraging research; • minimized spending on purposes other than patient care, public health, and training/research, with administrative costs limited to three times the federal Medicare percentage, and with simpler paperwork and administration; • a prohibition of financial incentives that

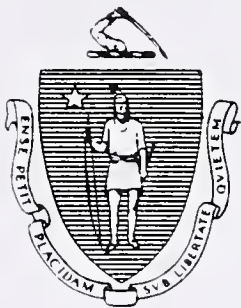
limit patient access to health care, and limits on incentives for inappropriate care.

The Council would include 17 members representing health care and other organizations. It would hold public hearings, study proposals, and make recommendations to the state Commissioner of Public Health and the Legislature on laws and other steps needed to set up a system meeting the above requirements. The proposed law would also create a special legislative committee, including legislators and members of the Council, to make recommendations by September 30, 2001, for laws to set up a system meeting the above requirements by July 1, 2002.

Starting January 1, 2001, the proposed law would require health insurance carriers to guarantee certain rights to their insured patients and to health care professionals. These rights would include: • patients' right to choose all of their health care providers, subject to the approval of a freely chosen primary care provider who has no financial incentive to deny care, and subject to payment of a reasonable extra fee to see a provider outside the carrier's network; • health care professionals' right to make medical decisions in consultation with their patients; • patients' right to transitional insurance coverage when they are undergoing a course of treatment from a health care provider whose contract with a carrier is being terminated; • patients' right to medically necessary referrals

to specialists; • limits on and disclosure of contracts between carriers and health care providers that create financial incentives to delay or limit care or provide inappropriate care; • health care professionals' right to discuss health benefit plans with insured patients and to advocate on behalf of their patients; • carriers could not terminate health care providers' contracts without cause; • patients' right to receive emergency services, subject to authorization procedures, and to be reimbursed when they pay cash for emergency services from providers not affiliated with their carrier; • utilization review procedures that meet specific standards, including patients' right to appeal to the Commissioner of Public Health; • in any year at least 90% of a carrier's Massachusetts revenue must be spent on Massachusetts health care, and a carrier that spent more than 10% for non-health care purposes would have to refund the excess to its insured patients. Each carrier would have to report its revenues, premiums, and expenditures to the state Commissioner of Insurance every year.

The proposed law states that it would not interfere with any existing contract, including contract terms (such as automatic renewal or option clauses) that may go into effect after January 1, 2001. The proposed law states that if any of its parts were declared invalid, the rest of the law would stay in effect.



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TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-6: Law to Protect the Rights of Patients and to Promote
Access to Quality Health Care for All Residents of the Commonwealth

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Reilly", with a long, sweeping flourish extending to the right.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-6

This proposed law would set up a state Health Care Council to review and recommend legislation for a health care system that ensures comprehensive, high quality health care coverage for all Massachusetts residents. Until the Council decided that such a system had been set up, the proposed law would prohibit the conversion of non-profit hospitals, health maintenance organizations (HMOs), and health insurance firms to for-profit status. The proposed law would also require health insurance carriers to provide certain rights to patients and health care professionals, starting January 1, 2001.

The Council would recommend laws to set up, and would decide whether laws had been passed to ensure, a health care system that provides: • barrier-free access to health care services; • patients' freedom to choose their health care providers, get second opinions, and appeal denials of care; • health care professionals' freedom to act solely in the best interest of their patients; • affordable coverage, with cost increases no greater than national averages; • preserving and increasing the quality of care and encouraging research; • minimized spending on purposes other than patient care, public health, and training/research, with simpler paperwork and administration; • a prohibition of financial incentives that limit patient access to health care, and limits on incentives for inappropriate care.

The Council would include 17 members representing health care and other organizations. It would hold public hearings, study proposals, and make recommendations to the state Commissioner of Public Health and the Legislature on laws and other steps needed to set up a system meeting the above requirements. The proposed law would also create a special legislative committee, including legislators and members of the Council, to make recommendations by September 30, 2001, for laws to set up a system meeting the above requirements by July 1, 2002.

Starting January 1, 2001, the proposed law would require health insurance carriers to guarantee certain rights to their insured patients and to health care professionals. These rights would include: • patients' right to choose all of their health care providers, subject to the approval of a freely chosen primary care provider who has no financial incentive to deny care, and subject to payment of a reasonable extra fee to see a provider outside the carrier's network; • health care professionals' right to make medical decisions in consultation with their patients; • patients' right to transitional insurance coverage when they are undergoing a course of treatment from a health care provider whose contract with a carrier is being terminated; • patients' right to medically necessary referrals to specialists; • limits on and disclosure of contracts between carriers and health care providers that create financial

incentives to delay or limit care or provide inappropriate care;

- health care professionals' right to discuss health benefit plans with insured patients and to advocate on behalf of their patients;
- carriers could not terminate health care providers' contracts without cause;
- patients' right to receive emergency services, subject to authorization procedures, and to be reimbursed when they pay cash for emergency services from providers not affiliated with their carrier;
- utilization review procedures that meet specific standards, including patients' right to appeal to the Commissioner of Public Health;
- in any year at least 90% of a carrier's Massachusetts revenue must be spent on Massachusetts health care, and a carrier that spent more than 10% for non-health care purposes would have to refund the excess to its insured patients. Each carrier would have to report its revenues, premiums, and expenditures to the state Commissioner of Insurance every year.

The proposed law states that it would not interfere with any existing contract, including contract terms (such as automatic renewal or option clauses) that may go into effect after January 1, 2001. The proposed law states that if any of its parts were declared invalid, the rest of the law would stay in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-7: Law to Roll Back the State Income Tax Rate to 5% by
the Year 2003

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a long diagonal stroke extending from the end.

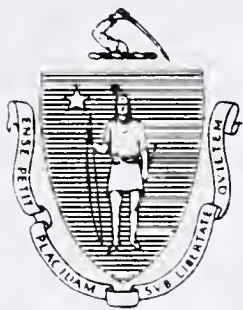
Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-7

This proposed law would repeal the law setting the state personal income tax rate on Part B taxable income (such as wages and salaries), which was 5.95% as of September 1, 1999, and would set the rate at 5.6% for tax year 2001, 5.3% for tax year 2002, and 5% for tax year 2003 and after. If the Legislature set a lower rate for any of those years, that lower rate would apply.

The proposed law states that if any of its parts were declared invalid, the other parts would remain in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-8: An Act to Expand the Scope of the Commonwealth's Drug Treatment Program and Provide Funding Through Fines for Drug Violations and the Forfeiture of Assets Used in Connection with Drug Offenses and the Imposition of Prompt Civil Monetary Sanctions for the Possession of Marihuana for Personal Use

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a long, sweeping horizontal stroke extending to the right.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-8

This proposed law would create a state Drug Treatment Trust Fund, to be used, subject to appropriation by the state Legislature, solely for the treatment of drug-dependent persons. The Fund would include fines paid under the state's criminal drug laws; money and the proceeds from selling property forfeited because of its use in connection with drug crimes; and fines paid for the possession for personal use or the public consumption of marijuana, which the proposed law would change from crimes to civil infractions.

The Fund would be administered by the state's Director of Drug Rehabilitation. Money in the Fund would be spent to increase, rather than replace, existing government funding for drug treatment programs. Those programs would be expanded to apply to persons who are at risk of becoming drug-dependent and to include drug abuse prevention through education.

The proposed law would expand eligibility for the program under which a person charged with a drug crime may request a court finding that he is drug-dependent and would benefit from court-monitored treatment. If the court finds the person eligible, and the person then successfully completes a treatment program, the criminal charges are dismissed. The proposed law would allow requests to enter this program by persons who are at risk of becoming drug dependent and by persons charged with a first or second offense of manufacturing, distributing, or

dispensing a controlled substance, or possessing a controlled substance with the intent to do any of those things, or trafficking 14 to 28 grams of cocaine.

The proposed law would change the state law governing forfeiture of money and property used in connection with drug crimes. Land and buildings could not be forfeited if used in a manner that was merely incidental to a drug crime. The state would have to prove by clear and convincing evidence that money or property was subject to forfeiture, and the property owner could then try to prove by a preponderance of the evidence that the money or property was legally exempt from forfeiture. All forfeited money, instead of being divided between the prosecuting agency and responsible police department and used for law enforcement purposes, would be put in the Fund. All forfeited property, instead of being so divided and used, would be sold and the proceeds put in the Fund.

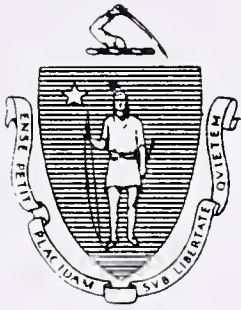
Records of all state and local forfeiture activities would have to be kept and made public unless harm to law enforcement efforts would result. The state Inspector General could audit and investigate these activities. Any official who concealed or diverted any forfeited money or property could be punished by a fine of up to \$1000, imprisonment for up to one year, or both.

Under the proposed law, it would be a civil infraction (instead of a crime) for a person 21 or older to possess marijuana for personal use, and the person would have to pay a

civil fine of \$100. Possession of up to one ounce of marijuana would be presumed to be for personal use. It would also be made a civil infraction, carrying a \$300 civil fine, for a person 21 or older to consume marijuana in a public place, but it would still be a crime to drive under the influence of marijuana. All of these civil fines would be put in the Fund.

A police officer could not arrest a person for one of these civil infractions but instead would issue either a warning or a citation (like a traffic citation). A person who, upon request by a police officer, refused to give his name or address, or gave one that was false or misleading, would be guilty of a misdemeanor and fined up to \$200. A person issued a citation for possession or public consumption of marijuana would be required, within 20 days, either to pay the fine or to request a non-criminal court hearing like the hearings held for traffic citations. If found responsible at the hearing, the person would have to pay the fine within 10 days. Payment of the fine would dispose of the citation and no criminal court or probation records could be kept of it. Any person receiving a citation who did not pay the fine without a hearing, or who requested a hearing but did not appear at the hearing once scheduled, or who was found responsible at the hearing but did not pay the fine, could have his driver's license suspended until he paid the fine.

The proposed law states that if any of its parts were declared invalid, the rest of the law would remain in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-9: An Act to Expand the Scope of the Commonwealth's Drug Treatment Program and Provide Funding Through Fines for Drug Violations and the Forfeiture of Assets Used in Connection with Drug Offenses and the Imposition of Prompt Civil Monetary Sanctions for the Possession of Marihuana for Personal Use.

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", followed by a long, sweeping diagonal stroke.

Thomas F. Reilly

Enclosure



SUMMARY OF NO. 99-9

This proposed law would create a state Drug Treatment Trust Fund, to be used, subject to appropriation by the state Legislature, solely for the treatment of drug-dependent persons. The Fund would include fines paid under the state's criminal drug laws; money and the proceeds from selling property forfeited because of its use in connection with drug crimes; and fines paid for the possession for personal use or the public consumption of marijuana, which the proposed law would change from crimes to civil infractions.

The Fund would be administered by the state's Director of Drug Rehabilitation. Money in the Fund would be spent to increase, rather than replace, existing government funding for drug treatment programs. Those programs would be expanded to apply to persons who are at risk of becoming drug-dependent and to include drug abuse prevention through education.

The proposed law would expand eligibility for the program under which a person charged with a drug crime may request a court finding that he is drug-dependent and would benefit from court-monitored treatment. If the court so finds, and the person then successfully completes a treatment program, the criminal charges are dismissed. The proposed law would allow requests to enter this program by persons who are at risk of becoming drug dependent and by persons charged with a first or second offense of manufacturing, distributing, or dispensing a controlled

substance, or possessing a controlled substance with the intent to do any of those things.

The proposed law would change the state law governing forfeiture of money and property used in connection with drug crimes. Land and buildings could not be forfeited if used in a manner that was merely incidental to a drug crime. The state would have to prove by clear and convincing evidence that money or property was subject to forfeiture, and the property owner could then try to prove by a preponderance of the evidence that the money or property was legally exempt from forfeiture. All forfeited money, instead of being divided between the prosecuting agency and responsible police department and used for law enforcement purposes, would be put in the Fund. All forfeited property, instead of being so divided and used, would be sold and the proceeds put in the Fund.

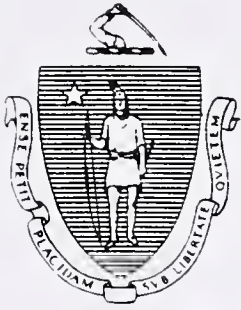
Records of all state and local forfeiture activities would have to be kept and made public unless harm to law enforcement efforts would result. The state Inspector General could audit and investigate these activities. Any official who concealed or diverted any forfeited money or property could be punished by a fine of up to \$1000, imprisonment for up to one year, or both.

Under the proposed law, it would be a civil infraction (instead of a crime) for a person 21 or older to possess marijuana for personal use, and the person would have to pay a civil fine of \$100. Possession of up to one ounce of marijuana

would be presumed to be for personal use. It would also be made a civil infraction, carrying a \$300 civil fine, for a person 21 or older to consume marijuana in a public place, but it would still be a crime to drive under the influence of marijuana. All of these civil fines would be put in the Fund.

A police officer could not arrest a person for one of these civil infractions but instead would issue either a warning or a citation (like a traffic citation). A person who, upon request by a police officer, refused to give his name or address, or gave one that was false or misleading, would be guilty of a misdemeanor and fined up to \$200. A person issued a citation for possession or public consumption of marijuana would be required, within 20 days, either to pay the fine or to request a non-criminal court hearing like the hearings held for traffic citations. If found responsible at the hearing, the person would have to pay the fine within 10 days. Payment of the fine would dispose of the citation and no criminal court or probation records could be kept of it. Any person receiving a citation who did not pay the fine without a hearing, or who requested a hearing but did not appear at the hearing once scheduled, or who was found responsible at the hearing but did not pay the fine, could have his driver's license suspended until he paid the fine.

The proposed law states that if any of its parts were declared invalid, the rest of the law would remain in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-10: An Act to Expand the Scope of the Commonwealth's
Drug Treatment Program and Provide Funding Through Fines for Drug Violations
and the Forfeiture of Assets Used in Connection with Drug Offenses.

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", followed by a long, sweeping diagonal stroke.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-10

This proposed law would create a state Drug Treatment Trust Fund, to be used, subject to appropriation by the state Legislature, solely for the treatment of drug-dependent persons. The Fund would include fines paid under the state's criminal drug laws; money forfeited because of its use in connection with drug crimes; and the proceeds from selling property forfeited because of its use in connection with drug crimes.

The Fund would be administered by the state's Director of Drug Rehabilitation. Money in the Fund would be spent to increase, rather than replace, existing government funding for drug treatment programs. Those programs would be expanded to apply to persons who are at risk of becoming drug-dependent and to include drug abuse prevention through education.

The proposed law would expand eligibility for the program under which a person charged with a drug crime may request a court finding that he is drug-dependent and would benefit from court-monitored treatment. If the court so finds, and the person then successfully completes a treatment program, the criminal charges are dismissed. The proposed law would allow requests to enter this program by persons who are at risk of becoming drug dependent and by persons charged with a first or second offense of manufacturing, distributing, or dispensing a controlled substance, or possessing a controlled substance with the intent to do any of those things, or trafficking 14 to 28 grams of

cocaine.

The proposed law would change the state law governing forfeiture of money and property used in connection with drug crimes. Land and buildings could not be forfeited if used in a manner that was merely incidental to a drug crime. The state would have to prove by clear and convincing evidence that money or property was subject to forfeiture, and the property owner could then try to prove by a preponderance of the evidence that the money or property was legally exempt from forfeiture. All forfeited money, instead of being divided between the prosecuting agency and responsible police department and used for law enforcement purposes, would be put in the Fund. All forfeited property, instead of being so divided and used, would be sold and the proceeds put in the Fund.

Records of all state and local forfeiture activities would have to be kept and made public unless harm to law enforcement efforts would result. The state Inspector General could audit and investigate these activities. Any official who concealed or diverted any forfeited money or property could be punished by a fine of up to \$1000, imprisonment for up to one year, or both.

The proposed law states that if any of its parts were declared invalid, the rest of the law would remain in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-11: An Act to Expand the Scope of the Commonwealth's Drug Treatment Program and Provide Funding Through Fines for Drug Violations and the Proceeds of Forfeited Assets Used in Connection with Drug Offenses.

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a long, sweeping flourish extending from the end.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-11

This proposed law would create a state Drug Treatment Trust Fund, to be used, subject to appropriation by the state Legislature, solely for the treatment of drug-dependent persons. The Fund would include fines paid under the state's criminal drug laws; money forfeited because of its use in connection with drug crimes; and the proceeds from selling property forfeited because of its use in connection with drug crimes.

The Fund would be administered by the state's Director of Drug Rehabilitation. Money in the Fund would be spent to increase, rather than replace, existing government funding for drug treatment programs. Those programs would be expanded to apply to persons who are at risk of becoming drug-dependent and to include drug abuse prevention through education.

The proposed law would expand eligibility for the program under which a person charged with a drug crime may request a court finding that he is drug-dependent and would benefit from court-monitored treatment. If the court so finds, and the person then successfully completes a treatment program, the criminal charges are dismissed. The proposed law would allow requests to enter this program by persons who are at risk of becoming drug dependent and by persons charged with a first or second offense of manufacturing, distributing, or dispensing a controlled substance, or possessing a controlled substance with the intent to do any of those things.

The proposed law would change the state law governing forfeiture of money and property used in connection with drug crimes. Land and buildings could not be forfeited if used in a manner that was merely incidental to a drug crime. The state would have to prove by clear and convincing evidence that money or property was subject to forfeiture, and the property owner could then try to prove by a preponderance of the evidence that the money or property was legally exempt from forfeiture. All forfeited money, instead of being divided between the prosecuting agency and responsible police department and used for law enforcement purposes, would be put in the Fund. All forfeited property, instead of being so divided and used, would be sold and the proceeds put in the Fund.

Records of all state and local forfeiture activities would have to be kept and made public unless harm to law enforcement efforts would result. The state Inspector General could audit and investigate these activities. Any official who concealed or diverted any forfeited money or property could be punished by a fine of up to \$1000, imprisonment for up to one year, or both.

The proposed law states that if any of its parts were declared invalid, the rest of the law would remain in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-12: An Act to Provide Funding for the Commonwealth's
Drug Treatment Program Through Fines for Drug Violations and the Forfeiture of
Assets Used in Connection with Drug Offenses.

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a long horizontal line extending to the left and a diagonal slash at the end.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-12

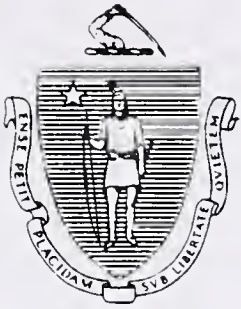
This proposed law would create a state Drug Treatment Trust Fund, to be used, subject to appropriation by the state Legislature, solely for the treatment of drug-dependent persons. The Fund would include fines paid under the state's criminal drug laws; money forfeited because of its use in connection with drug crimes; and the proceeds from selling property forfeited because of its use in connection with drug crimes.

The proposed law would change the state law governing forfeiture of such money and property. Land and buildings could not be forfeited if used in a manner that was merely incidental to a drug crime. The state would have to prove by clear and convincing evidence that money or property was subject to forfeiture, and the property owner could then try to prove by a preponderance of the evidence that the money or property was legally exempt from forfeiture. All forfeited money, instead of being divided between the prosecuting agency and responsible police department and used for law enforcement purposes, would be put in the Fund. All forfeited property, instead of being so divided and used, would be sold and the proceeds put in the Fund.

Records of all state and local forfeiture activities would have to be kept and made public unless harm to law enforcement efforts would result. The state Inspector General could audit and investigate these activities. Any official who concealed or diverted any forfeited money or property could be punished by a

fine of up to \$1000, imprisonment for up to one year, or both.

The proposed law states that if any of its parts were declared invalid, the rest of the law would remain in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-13: An Act Relative to Dog Racing in the Commonwealth

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Reilly", with a long horizontal line extending to the left and a diagonal slash at the end.

Thomas F. Reilly

Enclosure



SUMMARY OF NO. 99-13

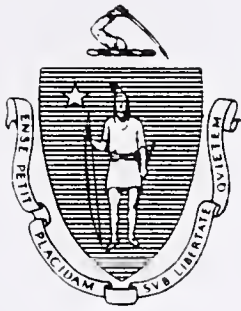
This proposed law would prohibit in Massachusetts any dog racing or racing meeting where any form of betting or wagering on the speed or ability of dogs occurs.

The State Racing Commission would be prohibited from accepting or approving any application or request for racing dates for dog racing.

Any person violating the proposed law could be required to pay a civil penalty of not less than \$20,000 to the State Racing Commission. The penalty would be used for the Commission's administrative purposes, subject to appropriation by the state Legislature.

All existing provisions of the part of the state's General Laws concerning dog and horse racing meetings would be interpreted as not applying to anything dog-related.

The proposed law would take effect on June 1, 2001. The proposed law states that if any of its parts were declared invalid, the rest of the law would stay in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-14: An Act to Regulate Marihuana's Medical Use, Impose a Civil Fine for the Possession of Marihuana, and Create a Crime of Distributing or Dispensing Marijuana to a Person under the Age of Eighteen Years

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "T. F. Reilly", with a long, sweeping horizontal stroke underneath.

Thomas F. Reilly

Enclosure



SUMMARY OF NO. 99-14

This proposed law would make possession of marijuana a civil violation instead of a criminal offense. A person found responsible for possessing marijuana would pay a fine of between \$50 and \$200 but could not be imprisoned. The finding of responsibility could not be treated as a conviction for any purpose, or treated as an offense under any multiple-offender law, or used to revoke parole or probation, or used to deny or revoke any state license.

Under the proposed law, to charge a person with possession of marijuana, a police officer would give a citation (like a traffic citation) to the person if at least 18 years old, or to the parent or guardian of a person under 18, listing a fine of \$200 for the offense. The proposed law would eliminate the authority of a police officer to arrest, without a warrant, any person over 18 who possessed marijuana in the officer's presence or who the officer had probable cause to believe possessed marijuana. A person under 18 charged with possession would be held until released into the custody of a parent or guardian or brought before a judge.

Any person charged with possession could either pay the fine or request a court hearing on the charge. At the hearing, if the judge or clerk found that the person had unlawfully possessed the marijuana and that police had legally seized the marijuana, the person would be found responsible and pay a fine of \$200 or a

lesser amount set by the court; otherwise the person would pay no fine. Any person charged with possession of marijuana who did not pay the fine without a hearing, or who requested a hearing but did not appear at the hearing, or who was found responsible at the hearing but did not pay the fine, could be punished by imprisonment for up to 6 months or a fine of \$500 or both.

Under the proposed law, anyone who provided marijuana to a person under 18 could be punished by imprisonment for not more than 2½ years, or by fine of between \$1000 and \$5000, or both. Lack of knowledge of the age of the person to whom the marijuana was provided would not be a defense. A second offense could be punished more severely.

The proposed law would allow a person charged with possession of marijuana, or with the crime of possessing marijuana with intent to distribute it or the crime of growing marijuana, to defend against the charge by showing that he was faced with a clear and imminent danger to his health from a terminal or chronic illness, that he reasonably expected that his possession of marijuana for his personal use would be effective in reducing the danger, and that there was no legal alternative that would be equally effective in reducing the danger.

A person could also defend against such a charge by showing that he was a patient certified to participate in the state's therapeutic marijuana research program and possessed or grew the marijuana for personal use. The proposed law would expand the

program to allow the state Department of Public Health (DPH) to approve the experimental use of marijuana in the treatment of additional diseases, such as AIDS, if a physician presented enough medical information to the DPH to justify that use. The DPH would be required to give a written certificate of participation to any patient participating in the program.

Under the proposed law, if a person was charged with the crime of manufacturing, distributing, dispensing, or growing marijuana, or possessing marijuana with intent to do any of those acts, the person could offer instead to admit that he committed only the civil infraction of simple possession of marijuana. If the court accepted the admission, the person would only pay a civil fine. If a person charged with such a crime went to trial, the judge or jury could instead find that the person committed only the civil infraction of simple possession of marijuana, and the person would only pay a civil fine.

The proposed law states that if any of its parts were declared invalid, the rest of the law would stay in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-15: An Act to Decriminalize the Possession of Marijuana

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a long, sweeping flourish extending to the right.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-15

This proposed law would make possession of marijuana a civil violation instead of a criminal offense. A person found responsible for possessing marijuana would pay a fine of up to \$200 but could not be imprisoned. The finding of responsibility could not be treated as a conviction for any purpose, or treated as an offense under any multiple-offender law, or used to revoke parole or probation, or used to deny or revoke any state license.

The proposed law would eliminate the authority of a police officer to arrest, without a warrant, any person over 18 who possessed marijuana in the officer's presence or who the officer had probable cause to believe possessed marijuana.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-16: An Act to Further Regulate the Medical Use of
Marijuana

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Reilly", with a long horizontal line extending to the left and a diagonal stroke at the end.

Thomas F. Reilly

Enclosure

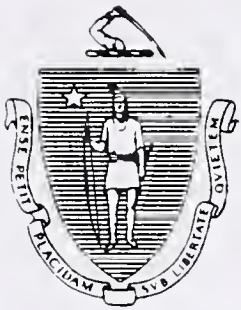


SUMMARY OF NO. 99-16

This proposed law would allow a person charged with possession of marijuana, possession of marijuana with intent to distribute it, or growing marijuana, to defend against the charge by showing that he was faced with a clear and imminent danger to his health from a terminal or chronic illness, that he reasonably expected that his possession of marijuana for his personal use would be effective in reducing the danger, and that there was no legal alternative that would be equally effective in reducing the danger.

The person could also defend against such a charge by showing that he was a patient certified to participate in the state's therapeutic marijuana research program and possessed or grew the marijuana for personal use. The proposed law would expand the program to allow the state Department of Public Health (DPH) to approve the experimental use of marijuana in the treatment of additional diseases, such as AIDS, if a physician presented enough medical information to the DPH to justify that use. The DPH would be required to give a written certificate of participation to any patient participating in the program.

The proposed law states that if any of its parts were declared invalid, the rest of the law would stay in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-17: An Act to Clarify Defenses in Criminal Cases

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "T. F. Reilly", with a long, sweeping horizontal stroke underneath.

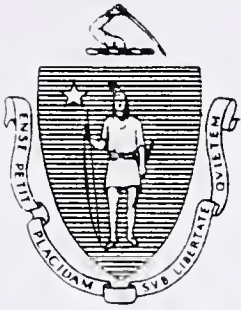
Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-17

This proposed law would allow a person charged with possession of marijuana to defend against the charge by showing that he was faced with a clear and imminent danger to his health from a terminal or chronic illness, that he reasonably expected that his possession of marijuana for his personal use would be effective in reducing the danger, and that there was no legal alternative that would be equally effective in reducing the danger.

The proposed law would also allow a person to make the same showing in order to defend against a charge of manufacturing or growing marijuana, or a charge of possessing marijuana with intent to manufacture, distribute, dispense or grow it. The person could also defend against such charges by showing that he was a patient certified to participate in the state's therapeutic marijuana research program and possessed or grew the marijuana for personal use.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-18: An Act to Expand Medical Use Defense

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a long horizontal stroke extending to the right.

Thomas F. Reilly

Enclosure



SUMMARY OF NO. 99-18

This proposed law would allow a person charged with possession of marijuana to defend against the charge by showing that he was faced with a clear and imminent danger to his health from a terminal or chronic illness, that he reasonably expected that his possession of marijuana for his personal use would be effective in reducing the danger, and that there was no legal alternative that would be equally effective in reducing the danger.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Steven S. Epstein, Esq.
P.O. Box 266
Georgetown MA 01833-0366

Re: Initiative Petition No. 99-19: An Act Permitting Adults to Cultivate and Possess
Marihuana

Dear Mr. Epstein:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year. I regret to inform you that I am unable to certify that the proposed law "is in proper form for submission to the people," as would be required for the petition to proceed in the Art. 48 process. Art. 48, Init., pt. 2, § 3.

Section 1 of the proposed law is irreconcilably self-contradictory on the question whether the defense it creates to a marijuana possession charge (that "the defendant is over eighteen years of age, no more than seven growing plants were seized, and, or, not more than sixteen ounces of marijuana not growing was seized") would be successful where, e.g., a permissible number of growing plants and a permissible amount of non-growing marijuana were seized. If the "and" were controlling, the defense would succeed; if the "or" were controlling, the defense would fail. It is impossible to tell from the words of the petition which interpretation is intended or would likely be adopted by a court. Because the creation of the defense is one of the two principal features of the proposed law, the issue must be addressed in the "fair, concise summary" I would be required to draft if I certified the measure. Yet it is impossible to draft a summary that would accurately inform voters as to what the proposed law would do. I therefore must conclude that the petition is not in proper form.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a long, sweeping flourish extending to the right.

Thomas F. Reilly

cc: The Honorable William Francis Galvin



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Steven S. Epstein, Esq.
P.O. Box 266
Georgetown MA 01833-0366

Re: Initiative Petition No. 99-20: An Act to Regulate Marihuana in the Commonwealth

Dear Mr. Epstein:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year. I regret to inform you that I am unable to certify that the proposed constitutional amendment "contains only subjects . . . which are not excluded from the popular initiative," as would be required for the petition to proceed in the Art. 48 process. Art. 48, Init., pt. 2, § 3.

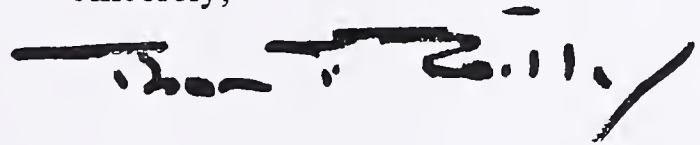
Under Art. 48, Init., pt. 2, § 2, no proposition inconsistent with the "freedom of elections" may be proposed by initiative petition. Section 15 of the law proposed by Petition No. 99-20 would make a public employee's disclosure of facts contained in reports or returns required by G.L. c. 64K punishable, inter alia, by being barred for life from public employment. There is no exception for elective office, and in particular, no exception for elective constitutional office. This makes the measure inconsistent with the freedom of elections guaranteed by Article 9 of the Declaration of Rights, which provides (with emphasis added): "All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments." In League of Women Voters v. Secretary of the Commonwealth, 425 Mass. 424, 428, 430-31 (1997), the court held that neither the Legislature nor the people through the initiative process could enact a statute (as opposed to a constitutional amendment, i.e., an amendment to the "frame of government,") prescribing qualifications for constitutional offices beyond those already stated in the state constitution itself.



Steven S. Epstein, Esq.
September 1, 1999
Page Two

This petition, insofar as it would apply to candidates for constitutional office, clearly attempts to impose another qualification that is not stated in the constitution and would therefore interfere with the freedom of elections guaranteed by Article 9. The proposed law is therefore excluded from the initiative process under Art. 48.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas F. Reilly", with a long horizontal line extending to the left and a diagonal stroke at the end.

Thomas F. Reilly

cc: The Honorable William Francis Galvin



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-21: Commuter Tax Relief Act

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Reilly", with a long, sweeping horizontal stroke underneath.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-21

This proposed law would allow a state personal income taxpayer a tax credit equal to the amount of tolls the taxpayer paid during the taxable year on all Massachusetts roads, highways, tunnels, and bridges, including the Massachusetts Turnpike and its Boston Extension, the Tobin Bridge, and the Sumner, Callahan, and Ted Williams Tunnels. Also, a corporation would be allowed a credit against its corporate excise taxes in an amount equal to all such tolls paid during the taxable year by the corporation or by its employees in furtherance of the corporation's business.

The proposed law would also allow a state personal income taxpayer a tax credit equal to the amount of excise taxes on registered motor vehicles the taxpayer paid during the taxable year. A corporation would be allowed a credit against its corporate excise taxes in an amount equal to all registered motor vehicle excise taxes the corporation paid during the taxable year.

The tax credits could not be used to reduce a personal income taxpayer's taxes below zero or a corporate excise taxpayer's taxes below the minimum levels set by state law. Any amount of tax credit not usable in a taxable year because of these limits could be carried over and used in later taxable years, for up to ten years. .

The proposed law would apply to taxable years beginning on

or after January 1, 2001. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-22: Commuter Tax Relief Act

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a long horizontal line extending to the left and a diagonal slash at the end.

Thomas F. Reilly

Enclosure

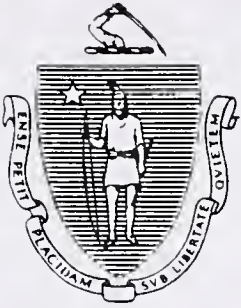
SUMMARY OF NO. 99-22

This proposed law would allow a state personal income taxpayer a tax credit equal to the amount of tolls the taxpayer paid during the taxable year on all Massachusetts roads, highways, tunnels, and bridges, including the Massachusetts Turnpike and its Boston Extension, the Tobin Bridge, and the Sumner, Callahan, and Ted Williams Tunnels. Also, a corporation would be allowed a credit against its corporate excise taxes in an amount equal to all such tolls paid during the taxable year by the corporation or by its employees in furtherance of the corporation's business.

The tax credit could not be used to reduce a personal income taxpayer's taxes below zero or a corporate excise taxpayer's taxes below the minimum levels set by state law. Any amount of tax credit not usable in a taxable year because of these limits could be carried over and used in later taxable years, for up to ten years.

The proposed law would apply to taxable years beginning on or after January 1, 2001. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.





THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-23: Commuter Tax Relief Act

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Reilly", with a long, sweeping horizontal stroke underneath.

Thomas F. Reilly

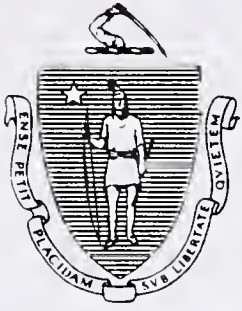
Enclosure

SUMMARY OF NO. 99-23

This proposed law would allow a state personal income taxpayer a tax credit equal to the amount of tolls the taxpayer paid during the taxable year on all Massachusetts roads, highways, tunnels, and bridges, including the Massachusetts Turnpike and its Boston Extension, the Tobin Bridge, and the Sumner, Callahan, and Ted Williams Tunnels. Also, a corporation would be allowed a credit against its corporate excise taxes in an amount equal to all such tolls paid during the taxable year by the corporation or by its employees in furtherance of the corporation's business.

The tax credit could not be used to reduce a personal income taxpayer's taxes below zero or a corporate excise taxpayer's taxes below the minimum levels set by state law. Any amount of tax credit not usable in a taxable year because of these limits could be carried over and used in later taxable years, for up to ten years.

The proposed law would apply to taxable years beginning on or after January 1, 2000. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-24: Commuter Tax Relief Act

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a long, sweeping flourish extending to the right.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-24

This proposed law would allow a state personal income taxpayer a tax credit equal to the amount of tolls the taxpayer paid during the taxable year on all Massachusetts roads, highways, tunnels, and bridges, including the Massachusetts Turnpike and its Boston Extension, the Tobin Bridge, and the Sumner, Callahan, and Ted Williams Tunnels. Also, a corporation would be allowed a credit against its corporate excise taxes in an amount equal to all such tolls paid during the taxable year by the corporation or by its employees in furtherance of the corporation's business.

The proposed law would also allow a state personal income taxpayer a tax credit equal to the amount of excise taxes on registered motor vehicles the taxpayer paid during the taxable year. A corporation would be allowed a credit against its corporate excise taxes in an amount equal to all registered motor vehicle excise taxes the corporation paid during the taxable year.

The tax credits could not be used to reduce a personal income taxpayer's taxes below zero or a corporate excise taxpayer's taxes below the minimum levels set by state law. Any amount of tax credit not usable in a taxable year because of these limits could be carried over and used in later taxable years, for up to ten years.

The proposed law would apply to taxable years beginning on

or after January 1, 2000. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-25: Law Relative to Sunday Sales of Alcohol

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom F. Reilly", with a long horizontal stroke extending to the right.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-25

This proposed law would allow package stores throughout the state to sell alcoholic beverages after the hour of twelve noon on Sundays, including Christmas if it falls on a Sunday, so long as the store obtains a permit from the local licensing authorities, pays its employees at a rate of not less than one and one-half times the employee's regular rate, and does not impose any type of penalty against an employee for refusing to work on a Sunday.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-26: Law to Encourage Charitable Giving

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", followed by a long, sweeping horizontal stroke.

Thomas F. Reilly

Enclosure





SUMMARY OF NO. 99-26

This proposed law would allow taxpayers who give to charity a state personal income tax credit and a state personal income tax deduction for those charitable contributions.

A taxpayer could take a tax credit of an amount equal to 50% of the first \$200 of charitable contributions for the year. The taxpayer could also take a deduction from earned income, such as wages and salary, of an amount equal to any charitable contributions for the year in excess of \$200. The taxpayer could take the credit and deduction whether or not the taxpayer itemized deductions on his or her federal income tax return. The proposed law would apply to any contribution that met the definition of charitable contribution used under federal income tax law.

The proposed law would apply to taxable years beginning on or after January 1, 2001.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-27: Law to Encourage Charitable Giving

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", followed by a long diagonal stroke.

Thomas F. Reilly

Enclosure



SUMMARY OF NO. 99-27

This proposed law would allow taxpayers who give to charity a state personal income tax deduction for those charitable contributions. A taxpayer could take a deduction from any Part B income, including wages and salaries, of an amount equal to his or her charitable contributions for the year. The taxpayer could take the deduction whether or not the taxpayer itemized deductions on his or her federal income tax return. The proposed law would apply to any contribution that met the definition of charitable contribution used under federal income tax law. The proposed law would apply to taxable years beginning on or after January 1, 2001.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-28: An Act to Insure Environmentally Safe Commercial Fishing Gear

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a long, sweeping horizontal stroke extending to the right.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-28

This proposed law would change the existing system for state regulation of marine fisheries and would require the state Director of Marine Fisheries, in licensing and regulating the use of fishing gear for commercial purposes, to ensure that all such activities would be safe for the ocean environment.

Under the proposed law, the Director could not license the use of fishing gear for commercial purposes unless the Director first scientifically determined, with the agreement of the state Secretary of Environmental Affairs, that: • the fishing gear would not entangle, kill, injure, or otherwise harm any mammal, bird, or reptile; • the possibility that species of fish other than those legally targeted by the fishing gear might be entangled, killed, or injured by the fishing gear would be so small as to be almost zero, and the fishing gear would not harm the ability of such species of fish to remain at or above their optimal sustainable productivity population levels; • the intentional and licensed taking of the targeted species of fish would not harm the ability of those species to remain at or above their optimal sustainable productivity population levels; and • the fishing gear would not threaten any significant harm to any other feature of the ocean environment.

The Director could not permit the use of any type of gill net, drift net, or other fishing gear that suspends a curtain of mesh material in the ocean to capture fish without being actively



towed.

The proposed law would eliminate the requirements that:

- the Director submit to the state Marine Fisheries Advisory Commission all marine fisheries management proposals;
- the Commission hold a public hearing and then issue its written approval or disapproval of such proposals;
- approved proposals be put into effect through regulations controlling the manner of taking fish, fish size and quantity limits, fishing seasons and hours, and the parts of coastal waters open to fishing; and
- no parts of coastal waters may be opened or closed to fishing without the consent of the selectmen of the affected town or the mayor and council of the affected city.

The proposed law would also lift the ban on the Director's requiring a license to catch finned fish from coastal waters for non-commercial purposes.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-29: Constitutional Amendment In the Interest of Family
and Parental Rights

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

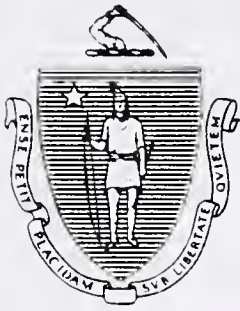
A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a long horizontal stroke extending to the left.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-29

This proposed constitutional amendment would declare that all people have certain family rights, including the right to maintain good family relationships, to preserve children's birthrights and lineage, to maintain reasonable parental control over minor children, and to raise children according to one's own reasonable standards and beliefs, free of government ideologies or other outside social agendas. The proposed amendment would further provide that these rights could not be taken away or limited without the fullest protection allowed by law.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-30: A Law to Promote Competition in the Cable-Based
Internet Access Market

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", followed by a long, sweeping horizontal stroke.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-30

This proposed law would prohibit any Massachusetts city or town from granting, renewing, extending, agreeing to modify, or approving the transfer of a cable TV system operator's license unless the city or town required the license holder to provide non-discriminatory access to its cable system to any and all Internet service provider companies wishing to offer Internet access to consumers through that cable system.

Such access would mean that if a cable TV system operator used its system to offer Internet access, either on its own or by agreement with another company, it would have to make its system available to all other Internet service provider companies at rates, terms, and conditions that are at least as favorable as the cable TV system operator provides to itself, its affiliated companies, or any other company.

The rates, terms, and conditions would have to be commercially reasonable so as to allow any Internet service provider company to offer cable-based Internet access service to consumers, except that an Internet service provider company that is not affiliated with a cable TV system could not be required to give the cable TV system operator any ownership interest in the company or any compensation other than money.

The proposed law states that if any of its parts were declared invalid, the rest of the law would stay in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-31: An Act to Protect Children from Exposure to
Pesticides

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom F. Reilly", with a long, sweeping flourish extending from the end of the signature.

Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-31

This proposed law would generally prohibit pesticides from being applied while children are on the property of public or private schools, or certain day care centers and school-age child care programs, except for some limited indoor uses.

Starting one year after this proposal became law, the only pesticides that could be used indoors at any such facility would be: antimicrobial pesticides; insecticides or rodenticides in tamper-resistant bait stations or placed in generally inaccessible areas; ready-to-use dust, powder or gel insecticides applied to generally inaccessible areas; and pesticides classified by the U.S. Environmental Protection Agency ("EPA") as exempt from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act. Pesticides (including herbicides) could not be used outdoors at any such facility if they: were classified as known, likely or probable human carcinogens by the EPA or state Department of Food and Agriculture ("DFA"); contained inert ingredients of toxicological concern; were used for purely aesthetic reasons; or were not used in accordance with the facility's integrated pest management plan.

Each facility would have to give written notice at least 2 working days before any outdoor pesticide application to all employees, supervised children and their parents or guardians. This notice would provide the application dates, location, and reason for the pesticide application; the type of pesticide to be



used; a DFA-approved fact sheet about the pesticide; the name and address of the applicator; and a DFA statement of various ways to minimize exposure. This written notice requirement would apply only if the facility was scheduled to be open for classes or to children within 5 days after the pesticide application. The pesticide application would have to be completed within 72 hours of the date announced in the written notice. Also, written notice would have to be posted in a common area of the facility, and conspicuous warning signs would have to be posted around each outdoor treated area, before and for at least 72 hours after the application.

Each facility would have to adopt and implement an integrated pest management plan, addressing all indoor and outdoor areas of the facility, within one year of the effective date of the proposed law. Each plan would be filed with the DFA, with a copy to be kept at the facility and made publicly available. Each facility would keep a record of all pesticide applications on-site and publicly available for at least 5 years.

If the operator or administrator of a facility determined that a human health emergency required the use of a pesticide prohibited by the proposed law, he or she could apply for a single-use waiver to the local board of health, or to the DFA if the board was unavailable. The decision to grant a waiver would be based on: whether there was an immediate threat to human health, whether there were any viable alternatives to the use of

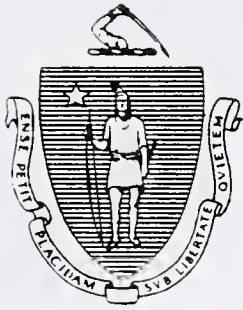
the pesticide, and whether the facility would agree to find and correct the underlying cause of the pest outbreak.

If a waiver was granted, the proposed law would require conspicuous warning signs be posted near the application site before and for at least 72 hours after the application, and written notice to employees, supervised children and their parents or guardians immediately before, or, if necessary, immediately after the application.

The proposed law would allow the DFA to adopt enforcement regulations. Any person who violated or intentionally interfered with compliance with the proposed law, or a DFA regulation under the proposed law would be subject to: a civil penalty of up to \$1,000 assessed by the DFA; a civil penalty of up to \$5,000 per day of such violation or interference assessed by a court; and a court order prohibiting the violation or interference.

The proposed law would not apply to pesticide applications made as part of a supervised training program at any state-aided and approved vocational-technical or agricultural school in Massachusetts.

The proposed law states that if any of its parts were declared invalid, the rest of the law would stay in effect.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Philip J. Shea, Jr.
P.O. Box 3224
Woburn MA 01888

Re: Initiative Petition No. 99-32: An Act Repealing Chapter 3 of the Acts of 1999

Dear Mr. Shea:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year. I regret to inform you that I am unable to certify that the proposed constitutional amendment "contains only subjects . . . which are not excluded from the popular initiative," as would be required for the petition to proceed in the Art. 48 process. Art. 48, Init., pt. 2, § 3.

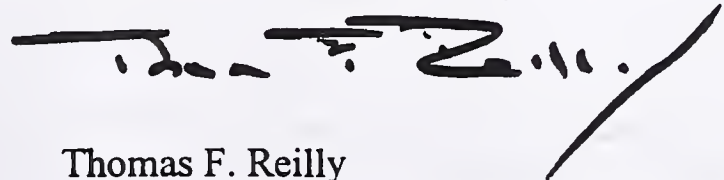
Under Art. 48, Init., pt. 2, § 2, no proposition that "relates to the . . . powers of courts" may be proposed by initiative petition. Your petition, the apparent intent of which is to repeal chapter 3 of the acts of 1999, relates to the powers of courts because chapter 3 itself centrally relates directly and expressly to the powers of the courts. For example, section 22 of chapter 3 expressly confers new jurisdiction in equity on the Juvenile and District courts in cases heard under G.L. c. 210. Sections 5, 6, 7, 8, 12, and 14 of chapter 3 expressly mandate that the courts make "reasonable efforts" findings with respect to certain DSS actions. Chapter 3 also expressly denies authorization to the courts to take other action; for example, section 21 forbids courts from increasing the level of post-adoption contact between a birth parent and a child who has been adopted, over the objection of the adoptive parent. For these and other reasons, I conclude that the "main design" of chapter 3 relates to the powers of courts, and therefore the effort to repeal it is excluded from the initiative process. See Massachusetts Teachers Ass'n v. Secretary of the Commonwealth, 384 Mass. 209, 226 (1981) (explaining that "powers of courts" exclusion focuses on "main design" of proposed law).

In light of this conclusion, I note, but express no definite conclusion on, other possible obstacles to certification. These include, but are not limited to, obstacles based on the Article 48 requirements that a petition be in "proper form for submission to the people," that it propose a

Philip J. Shea, Jr.
September 1, 1999
Page Two

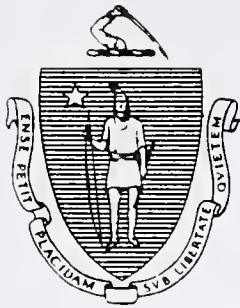
"law," and that it set forth the "full text" of the proposed law. I note that Petition 99-32 does not appear to set forth the text of a proposed law; it is phrased more as a title of a law than as a law itself. Nowhere does it say, for example, "Chapter 3 of the Acts of 1999 is hereby repealed." This lack of clarity is compounded by the fact that the petition fails to state what the effect of the repeal of chapter 3 is intended to be on those laws amended or repealed by chapter 3 (cf. G.L. c. 4, § 6, cl. 1, prescribing a rule addressing this issue for referendum petitions, but not initiative petitions); and fails to state what the intended effect of the repeal of chapter 3 would be on those laws amended or repealed by chapter 3 but then subsequently amended by St. 1999, c. 6. These issues alone may make it impossible to draft the constitutionally required "fair, concise summary" of the proposed law, and therefore the proposed law may not be in proper form.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas F. Reilly", with a long, sweeping diagonal stroke extending from the end of the signature towards the bottom right.

Thomas F. Reilly

cc: The Honorable William Francis Galvin



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

September 1, 1999

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 99-33: An Act to Protect Children from Exposure to
Pesticides

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

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Thomas F. Reilly

Enclosure

SUMMARY OF NO. 99-33

This proposed law would generally prohibit pesticides from being applied while children are on the property of public or private schools, or certain day care centers and school-age child care programs, except for some limited indoor uses.

Starting one year after this proposal became law, the only pesticides that could be used indoors at any such facility would be: antimicrobial pesticides; insecticides or rodenticides in tamper-resistant bait stations or placed in generally inaccessible areas; ready-to-use dust, powder or gel insecticides applied to generally inaccessible areas; and pesticides classified by the U.S. Environmental Protection Agency ("EPA") as exempt from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act. Pesticides (including herbicides) could not be used outdoors at any such facility if they: were classified as known, likely or probable human carcinogens by the EPA or state Department of Food and Agriculture ("DFA"); contained inert ingredients of toxicological concern; were used for purely aesthetic reasons; or were not used in accordance with the facility's integrated pest management plan.

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used; a DFA-approved fact sheet about the pesticide; the name and address of the applicator; and a DFA statement of various ways to minimize exposure. This written notice requirement would apply only if the facility was scheduled to be open for classes or to children within 5 days after the pesticide application. The pesticide application would have to be completed within 72 hours of the date announced in the written notice. Also, written notice would have to be posted in a common area of the facility, and conspicuous warning signs would have to be posted around each outdoor treated area, before and for at least 72 hours after the application.

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the pesticide, and whether the facility would agree to find and correct the underlying cause of the pest outbreak.

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The proposed law would allow the DFA to adopt enforcement regulations. Any person who violated or intentionally interfered with compliance with the proposed law, or a DFA regulation under the proposed law would be subject to: a civil penalty of up to \$1,000 assessed by the DFA; a civil penalty of up to \$5,000 per day of such violation or interference assessed by a court; and a court order prohibiting the violation or interference.

The proposed law would not apply to pesticide applications made as part of a supervised training program at any state-aided and approved vocational-technical or agricultural school in Massachusetts.

The proposed law states that if any of its parts were declared invalid, the rest of the law would stay in effect.

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